

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF NEW YORK

3 -----x

4 UNITED STATES OF AMERICA,

5 Plaintiff,

Docket No.:  
14 CR 576 (S-2) (ILG)

6 versus

7 RINGO DELCID, KASAGAMA STEELE,  
8 BENJAMIN HALL, RINGO HALISTER  
9 DELCID,

Defendant.

U.S. Courthouse  
225 Cadman Plaza East  
Brooklyn, NY 11201

10 -----x

11 August 21, 2015  
12 10:00 a.m.

13 Transcript of Criminal Cause for Status Conference

14 Before: HONORABLE I. LEO GLASSER,  
15 District Court Senior Judge

16 APPEARANCES

17 For the Government:

KELLY T. CURRIE, ESQ.  
Acting United States Attorney  
Eastern District of New York  
271 Cadman Plaza East  
Brooklyn, New York 11201  
BY: ALIXANDRA E. SMITH, ESQ.,  
DAVID C. PITLUCK, ESQ.,  
Assistant U.S. Attorneys

21 For Defendant Ringo Delcid: CHRISTOPHER BOOTH, ESQ.

22 For Defendant Steele CHARLES HOCHBAUM, ESQ.

23 For Defendant Hall MICHAEL P. KUSHNER, ESQ.

24 For Defendant Ringo  
25 Halister Delcid: JAMES ROTH, ESQ., ESQ.

MICHELE NARDONE, CSR, RPR, CRR - Official Court Reporter

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Appearances (continued):

Also Present: MARIO MICHELENA,  
Spanish interpreter

Court Reporter: MICHELE NARDONE, CSR, RPR, CRR  
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Proceedings recorded by mechanical stenography. Transcript  
produced by computer-aided transcription.

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(In open court.)

(Through the interpreter.)

(Defendants present.)

THE CLERK: Criminal cause for status conference, the  
United States versus Ringo Delcid, Kasagama Steele, Benjamin  
Hall, and Ringo Halister Delcid.

Counsel, please come up, state your appearances for  
the record.

MS. SMITH: Good morning, your Honor. Alixandra Smith  
and David Pitluck for the government.

MR. PITLUCK: Good morning, judge.

THE COURT: Good morning.

MR. KUSHNER: Good morning, your Honor. For the  
Defendant Mr. Hall, Michael Kushner, K-U-S-H-N-E-R.

MR. BOOTH: Lipman & Booth, by Christopher Booth for

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1 Ringo Delcid, the younger, your Honor.

2 MR. HOCHBAUM: Charles Hochbaum for Kasagama Steele.

3 Good morning, your Honor.

4 THE COURT: Good morning.

5 MR. ROTH: Good morning, your Honor. James Roth on  
6 behalf of Ringo Halister Delcid, the father.

7 THE COURT: Ms. Smith?

8 MS. SMITH: Your Honor, the government has provided  
9 the defendants with plea offers, and we are currently --

10 THE COURT: Excuse me. Before you go on, are all the  
11 defendants here now or is somebody missing?

12 MR. HOCHBAUM: No, they are all here now.

13 THE COURT: Okay.

14 MS. SMITH: Your Honor, the government has provided  
15 all of the defendants with plea offers and are currently  
16 engaged in plea negotiations.

17 We have ruled out the discovery that we have received,  
18 but we are still continuing to receive additional discovery  
19 that we will be providing as it comes in, and there is some  
20 discovery that we are making arrangements for the defendants to  
21 view, electronic discovery at the FBI. And so, our proposal is  
22 that we pick a date in October, and if at that point the plea  
23 negotiations have failed, set a trial date.

24 THE COURT: Mr. Kushner.

25 MR. KUSHNER: Yes, your Honor. I mean that's my

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1 understanding. We did receive a dump of discovery this week,  
2 on Monday. There has been thousands of pages of prior  
3 discovery, but I think all defense counsel is on board with an  
4 adjournment to late October.

5 MR. HOCHBAUM: That's correct, judge. We have agreed  
6 with your courtroom deputy on a date of October 30 at  
7 11 o'clock.

8 MR. BOOTH: That is correct, judge.

9 THE COURT: Why is it taking so long to provide  
10 discovery?

11 MS. SMITH: Your Honor, we provide it as it comes in.  
12 It's an ongoing investigation, you know, as we get information  
13 back we provide it. We provided our first round of discovery  
14 in January, our second round in April, our third round this  
15 week.

16 As we said, we have plea offers outstanding. If  
17 those don't get resolved, we plan on superseding before the  
18 next status conference date, and we will be ready to go to  
19 trial.

20 THE COURT: Given the discovery that you have  
21 provided -- I'm addressing the defendants now -- have you all  
22 had an opportunity to discuss, examine, consider the discovery  
23 that has been provided?

24 MR. HOCHBAUM: Well, some of it just came Monday,  
25 judge, a substantial amount on a CD.

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1 THE COURT: All right.

2 MR. HOCHBAUM: Other than that, we have certainly  
3 reviewed the prior discovery.

4 MR. ROTH: There is also DNA, judge, that has not come  
5 back.

6 THE COURT: Okay. What day in October?

7 THE CLERK: October 30 at 11:00 a.m.

8 THE COURT: Is that date satisfactory?

9 MS. SMITH: Yes, your Honor.

10 MR. ROTH: It is, your Honor.

11 MR. KUSHNER: Yes, your Honor.

12 THE COURT: We will exclude the time between now and  
13 then. I take it, given what I'm gathering is an enormous  
14 amount of discovery, this case is complex?

15 MS. SMITH: Yes, your Honor.

16 THE COURT: So I will exclude the time for that reason  
17 and among the others that have been stated on the record,  
18 pursuant to section 3161 of Title 18. Thank you very much.

19 MR. KUSHNER: Your Honor, just one last issue. Since  
20 discovery is still rolling in, we haven't had an opportunity to  
21 write motions on anything that we might think is relevant. So  
22 I would -- if we get discovery between now and October 30 that  
23 would trigger that, I suppose we could write a status letter or  
24 something.

25 THE COURT: With respect to the discovery that you

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1 have received so far, do you contemplate any motions with  
2 respect to that, besides what you just received on Monday?

3 MR. HOCHBAUM: There are potential Title III motions,  
4 judge, and potential suppression motions, based upon a search  
5 of my client's premises.

6 THE COURT: Do you have the information now?

7 MS. SMITH: Your Honor, there is no Title III here.

8 (Pause.)

9 MS. SMITH: There are no wiretaps, your Honor.

10 MR. KUSHNER: I misspoke, your Honor. It would just  
11 be suppression of those search warrants that they issued.

12 THE COURT: Suppression of what?

13 MR. KUSHNER: The search warrants that were issued  
14 with respect to the phones, the historical cell site, as well  
15 as the records. I believe there are some ID issues as well  
16 that are out.

17 THE COURT: You contemplate making motions to  
18 suppress?

19 MR. KUSHNER: Yes, judge.

20 THE COURT: Do you have all the information you need  
21 to do that, or is there anything you are missing?

22 MR. HOCHBAUM: We don't know, judge. We know there is  
23 continuing discovery coming.

24 MS. SMITH: Your Honor, all search warrant  
25 applications have been turned over.

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1 THE COURT: You have had all the applications for the  
2 search warrant. What else do you need? What is discovery  
3 going to do for you?

4 MR. HOCHBAUM: I wasn't suggesting I needed  
5 anything more other than the government's representation that  
6 I had it all.

7 THE COURT: If you are contemplating making any  
8 motions with respect to search warrants and affidavits, why  
9 don't you do that within the next 30 days.

10 MR. KUSHNER: Okay, your Honor.

11 THE COURT: Let me fix a specific date. That would be  
12 you file whatever motions you propose to make along those lines  
13 on or before the 14th of September.

14 The government, I think, would probably need no more  
15 than a week to respond.

16 MR. PITLUCK: That's fine, judge.

17 THE COURT: Pardon?

18 MS. SMITH: That's fine.

19 MR. PITLUCK: That's fine.

20 THE COURT: So you will respond by the 24th, and if a  
21 hearing is necessary we will do it on the 28th. Okay? Do you  
22 have those dates?

23 MS. SMITH: Yes.

24 THE COURT: Thank you very much. There is nothing  
25 else? Have a good week.

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MR. ROTH: You too, judge.

MR. KUSHNER: Thank you, judge.

MS. SMITH: Thank you, judge.

(End of proceedings.)

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Certified to be a true and accurate transcript.

/s/ Michele Nardone

MICHELE NARDONE, CSR, RPR, CRR -- Official Court Reporter

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